
T H E
C A S E
O F T H E
Protestant Dissenting Ministers and Schoolmasters,
HUMBLY SUBMITTED TO CONSIDERATION.

TH E Toleration Act exempts Protestant Dissenting Ministers from the penal Laws made against Non-conformity, *only* on Condition of their taking the Oaths of Allegiance and Supremacy, mentioned in an Act made in the First Year of the Reign of King William and Queen Mary, intituled, "An Act for removing and preventing all Questions and Disputes concerning the assembling and sitting of this present Parliament;" upon making and subscribing likewise the Declaration against Popery, mentioned in a Statute made in the Thirtieth Year of the Reign of King Charles the Second, intituled, "An Act to prevent Papists sitting in either House of Parliament;" and also upon subscribing the Articles of Religion, mentioned in the Statute made in the Thirteenth Year of the Reign of Queen Elizabeth, intituled, "An Act for the Ministers of the Church to be of sound Religion," except the Thirty-fourth, Thirty-fifth, and Thirty-sixth, and these Words of the Twentieth Article, "The Church hath Power to decree Rites or Ceremonies, and Authority in Controversies of Faith." And those who scruple the baptizing of Infants are likewise excused from subscribing part of the Twenty-seventh Article touching Infant Baptism.

Cafe stated.

1 Will. and Mary c. 1.

30 Car. II. stat. 2. c. 1.

13 Eliz. c. 12.

All Protestant Dissenting Ministers therefore, who do not subscribe the doctrinal Articles of the Church of England, are thereby excluded from the Benefit of the Act of Toleration, and exposed to the Penalties of all the Laws before in Force against Non-conforming Ministers. They are "not to come or be, unless in passing upon the Road, within Five Miles of any City or Town Corporate or Borough that sends Burgesses to Parliament; or within Five Miles of any Parish, Town or Place where they have taken upon them to preach; upon Forfeiture, for every such Offence, of the Sum of Forty Pounds; One Third to the King, another Third to the Poor of the Parish, and another to him that shall sue for it;" and if such Person keep a School, he shall forfeit likewise for every such Offence, Forty Pounds; and any Two Justices of the Peace may, upon Oath made of any of these Offences, commit such Offender for Six Months without Bail or Mainprize." And by another Act, upon Certificate of the Ordinary to any two Justices of the Peace of their having preached any Sermon or Lecture, the Justices are required to commit them, "for Three Months, to the common Jail, without Bail or Mainprize." And on Conviction, upon Oath, of two Witnesses, before one or more Justices of the Peace of having preached, the Justices are required for the first Offence to levy a Penalty of "Twenty Pounds; and for every such Offence afterwards a Penalty of Forty Pounds, a Third-part to go to the Informer or Informers." And every Time they administer the Lord's Supper, they are liable to a Penalty of One Hundred Pounds; One Moiety to go to the King, another Moiety to be divided between the Poor of the Parish, and such Person or Persons as shall sue for the same by Action of Debt, Bill, Plaint or Information in any Court of Record, wherein no Essoign, Protection, or Wager of Law shall be allowed.

17 Car. II. c. 2.

13 & 14 Car. II. c. 4. sect. 21
See 15 Car. II. c. 6. sect. 7.

22 Car. II. c. 1. sect. 3.

13 & 14 Car. II. c. 4. sect. 14.

To

To these severe Penalties, such Protestant Dissenting Ministers, as have not subscribed the Articles before-mentioned, are exposed: And, in the two last Cases, very ample Rewards are proposed to the Prosecutors, out of the Forfeitures incurred; and the Prosecutions are, at the same Time, made as easy and summary as possible.

It is admitted, that the greater Part of the Dissenting Ministers have not complied, and cannot in Conscience comply, with the Subscription required by the Act of Toleration.

The Dissenting Ministers in general are, consequently, liable to the Penalties above-mentioned.

PRAYER.

IT is therefore humbly desired, that an Act may be passed, whereby Protestant Dissenting Ministers, if they scruple to subscribe the aforesaid Articles, may obtain and enjoy certain Exemptions, Benefits and Privileges already granted by the Act of Toleration to those who subscribe the said Articles; upon such Ministers taking the Oaths of Allegiance and Supremacy, and making and subscribing the Declaration against Popery required by the said Act; and likewise upon their making and subscribing (in the Room of the aforesaid Articles) a Declaration of their being Christians and Protestants, and that, as such, they receive the Revelation of the Will of God, contained in the Scriptures of the Old and New Testament, as the Rule of their Faith and Practice. And also upon producing, if required, a Testimonial from or more Protestant Dissenting Ministers, or from or more of the respective Congregations to which such Persons so qualifying belong, to their moral and christian Character, and that they acknowledge them as Protestant Dissenting Ministers.

R E A S O N S.

Reasons.

I. BECAUSE the Protestant Dissenting Ministers in general admit of no other Authority in Controversies of Faith, but that of the Scriptures. And

Apprehend that the Act of Toleration itself allows this to be a Protestant Dissenting Principle, and of no dangerous Tendency, by exempting them from subscribing the First Clause of the Twentieth Article; viz. The Church hath Power to decree Rites or Ceremonies, and *Authority in Controversies of Faith*.

II. Because the Act of Toleration, as it now stands, is inconsistent with itself; exempting them from acknowledging the Authority of the Church as to Controversies of Faith, in *Words*, and requiring them to acknowledge it in *Practice*.

III. Because many Protestant Dissenting Ministers cannot subscribe to *several Doctrines* contained in the Articles aforesaid, apprehending them to be contrary to the Sense of Scripture; and many others cannot subscribe to *every Part* of the said Articles, though they believe them in the Main.

IV. Because the Protestant Dissenting Ministers in general have no other Alternative but violating their Consciences, or rendering themselves liable to very severe Penalties.

V. Because the Act of Toleration, professing to give Ease to scrupulous Consciences, and not giving Ease to those who in Conscience cannot subscribe the Articles required, doth not answer its proposed End.

VI. Because the confining of Toleration to Matters of Discipline only, as the Toleration Act now does, is very short of that religious Toleration to which every Good Subject is entitled.

VII. Because it is apprehended, that the Safety of the State is the grand Line which should limit the Extent of Toleration.

VIII. Because it is presumed, that no Inconveniencies can arise either to Church or State from making the Alteration proposed.

IX. Because, if a Connivance hath not produced such Inconveniencies, a legal Toleration is less likely to produce them; as is evident from the Toleration granted to Protestant Dissenters in *Ireland*.

X. Because

X. Because the declared Design of the Toleration Act is to "unite His Majesty's Protestant Subjects in Interest and Affection;" which End, it is apprehended, must be more compleatly secured by rendering the Act of Toleration effectual.

XI. Because the Protestant Dissenting Ministers ask only for legal Protection, and the secure Enjoyment of a natural Right; not for the Preferments or Emoluments of an Establishment.

XII. Because the Reasons for which Subscription is deemed necessary under an Establishment, do not extend to the Case of a Toleration.

XIII. Because it is apprehended, that in most of the Prosecutions to which Dissenting Ministers are liable, it is not in the Power of the Crown to divert the Prosecution, or remit the Penalties.

XIV. Because the Liberty desired is agreeable, not only to the Rights of Men and Christians, but to the Sentiments of the best Writers, to the Principles of sound Policy, and to the Spirit of the Constitution.

CASE of T U T O R S and S C H O O L M A S T E R S.

BY an Act made in the Thirteenth and Fourteenth of King Charles the Second, intituled, "An Act for the Uniformity of publick Prayers and Administration of Sacraments, &c. Every Schoolmaster keeping any publick or private School, and "instructing or teaching Youth in any House, or private Family, as a Tutor or "Schoolmaster," is by Law obliged, "before the Archbishop, Bishop, or Ordinary of "the Diocese, to subscribe a Declaration, that he will conform to the Liturgy of the "Church of England, as by Law established," on pain of forfeiting his School, and being utterly disabled, and, ipso facto, deprived of the same.

Tutors and Schoolmasters

13 & 14 Car. II. c. 4. sect. 8, 9, 10, 11.

And every Person instructing or teaching Youth in any private House or Family, before Licence obtained from the Archbishop, Bishop, or Ordinary of the Diocese, and subscribing the above-mentioned Declaration, shall, "for the first Offence, suffer "Three Months Imprisonment, without Bail; and, for every subsequent Offence, "besides the like Imprisonment for Three Months, shall forfeit Five Pounds to the "King."

By an Act made in the Seventeenth Year of the Reign of King Charles the Second, intituled "An Act for restraining Non-conformists from inhabiting in Corporations," it is enacted, "That it shall not be lawful for any Person, who shall not frequent Divine "Service established by the Laws of this Kingdom, at ~~him~~ or herself re- "rently, decently and orderly there, to teach any publick or private School, or take "any Boarders, or Tablers, that are taught or instructed by him or herself, or any "other; upon pain for every such Offence, to forfeit the Sum of Forty Pounds."

17 Car. II. c. 2. sect. 4.

As all Dissenters are thus disabled by Law, from acting in the Capacity of Tutors or Schoolmasters, some of those who have engaged in that Employment, have been prosecuted, and put to no small Trouble, either to obtain a Noli prosequi from the Crown, or to find other Methods of diverting such Prosecutions. This is a Case which speaks loudly for itself; and the Relief humbly desired is, That Dissenters in England may be secured against Prosecutions on this Account, as Episcopal Dissenters are in Scotland; and may be at Liberty to teach or instruct Youth, as Tutors or Schoolmasters, upon taking the Oaths, and making and subscribing the Declaration, required by the Act of Toleration, and also the before-mentioned Declaration relating to the Holy Scriptures, if they scruple subscribing the Articles of the Church of England; any Law or Statute to the contrary notwithstanding.

PRAYER.

T H I S

THIS is the Purport of what is, with all Humility, requested; and it is apprehended, that such an Enlargement of Toleration, and such Provision for the Security of Dissenting Tutors and Schoolmasters, as are now pleaded for, so far from being injurious, would be honourable and advantageous to the Church by Law established: to which it would greatly conciliate Mens Minds; and shew, that a Zeal for its Security and Honour, in its Governors and Members, is united with a just and generous Regard to Religious Liberty, and the Rights of Conscience.

Should it be said, that so large a Toleration would open a Door to Diversities of Opinions; if this be an Evil, Experience teaches that it is not prevented by Subscriptions: It cannot therefore be removed by continuing them. *That can be done, even in Appearance, only by Compulsion: It will still subsist in Reality.*

These Considerations are humbly submitted to the Wisdom and Equity of Legislature; with the greater Hope of Success, as (provided the proposed Bill pass into a Law) Liberty will be left to those who choose it, to qualify according to the present Act of Toleration, and at the same time Relief will be granted to the Generality of Protestant Dissenting Ministers, who, together with their People, are happily united in the Object of the present Application.

J. C. Worsley

THE
C A S E
OF THE
Protestant Dissenting MINISTERS
AND
SCHOOLMASTERS.